

Separate Trials Granted Miners In Treason Case

William Blizzard, Said To
Be Leader, Chosen as the
First to Face Jury; Faulty
Indictment Plea Denied

Troops Guard Courtroom

Twenty-three Indicted in
Mingo March Assert Their
Innocence When Called

CHARLESTOWN, W. Va., April 25.—William Blizzard, one of the leaders of the union coal miners in this state, today was selected by the prosecution as the premier defendant in the trials for treason of twenty-three mountaineers who were indicted in connection with the march on Logan and Mingo.

When the twenty-three defendants were placed on trial yesterday a motion to quash the treason indictment was made by the defense. To-day the defense asked a separate trial for each defendant. This was granted without delay by Judge John Mitchell Woods, and the state designated Blizzard as its premier defendant in the trial. The defense also compelled the state to have prepared a bill of particulars as to the alleged participation of Blizzard in the miners' uprising.

But if this was a victory, the defense lost in the other outstanding point of importance of the day, the motion to quash the indictment. Judge Woods, in a lengthy discussion of much interest on the subject of treason, and a separate trial for each defendant, overruled the motion, holding that the first point raised by the defense, that the word "treason" should have appeared in the indictment, was not well taken.

No Definite Conclusion.
On the second point put forth by the defense in this connection, that the indictment was much too indefinite in its declarations as to alleged treasonable "overt acts" specified and their relation to the defendants individually, a point based on the Chief Justice Marshall decision in the Aaron Burr case, the court came to no definite conclusion.

The judge held that although some of the purposes alleged in the indictment, while vague, might if coupled with others, have some bearing on whether the defendant were guilty of treason, that crime "is directed against the sovereignty of the state itself" and should not be confounded with such crimes as riot and insurrection.

"I am inclined," said Judge Woods, "to hold at the present time the view that the purpose alleged in the indictment must be taken as the true purposes which actuated them (the defendants) at that time to nullify the Governor's proclamation of military law in Mingo and Logan counties and hence the acts alleged in the indictment in pursuance of that design would be such as would be naturally calculated to accomplish their design and, therefore, overrule their demurrer to the indictment and to each count thereof."

"I would hesitate much longer to sustain this demurrer with my present views upon it than to overrule it, because the question still may be raised, if necessary hereafter, on motion in arrest of judgment."

The attorneys for the defense found nearly as much satisfaction in reference to the court to a later possible motion in arrest of judgment as did the state in the overruling of the indictment, as this was interpreted as meaning that the court has by no means made up its mind on the subject of whether the "march on Logan and Mingo" constituted treason, and that he "has to be shown."

Wife Present at Trial.

Blizzard, who became the central figure in the miners' cases with the announcement of his name as the first trial defendant, is twenty-eight years old and the president of Sub-district No. 2 of District No. 17 of the United Mine Workers of America. He was born and reared in Kanawha County, where he worked in the mines until a few years ago, when he became interested in the efforts to unionize the miners. He has been an official of the union for several years. He is married—his wife is here and is one of the most interested watchers in the court proceedings—and has two children.

That he has influential connections in the state is shown by the fact that his cousin, Gordon Blizzard, is a member of the Legislature. An uncle is Judge Peter Blizzard, a judge who formerly was on the Circuit Court bench of this state for many years.

It is this youth that the state hopes to prove acted as the field marshal of the miners on their famous march. His case undoubtedly will have a most important bearing on the outcome of

Scene of the Mingo Miners' Trial



The Jefferson County Court House in Charlestown, W. Va., and the crowd congregated in front, awaiting the calling of the treason charges against the union men who participated in the armed march against the unorganized Logan fields.

all others, even, it is expected, on the murder and other indictments naming a total of more than 700 defendants.

Blizzard however, in the first statement made by him after the announcement of his name, snidely denied he was the dangerous character the prosecution thinks he is.

"I did not urge the making of the march, nor direct it in any way, as I am accused of doing," he said. "What I did was to make a flying trip to the marchers after I heard they'd started and endeavored to get them to stop it and go back. I have the utmost confidence that the result of this trial will be my complete vindication."

All other twenty-two defendants, after Blizzard's name was called, crowded about him to shake his hand, many of them declaring they were disappointed that they had not been chosen in his stead.

When the session opened members of the state police force had been placed at strategic points in the room by Captain Arnold, their commander, with at least two of them standing before a door at one side of the judge's bench.

Union Officials Unarmed.
In connection with the subject of emergencies, it was learned that, while all the state's witnesses have permits

to carry firearms—with most of them reported to be carrying two revolvers apiece—none but the leading union officials among the defendants obtained such permits, and most of the latter were declared to be unarmed. This has caused some criticism, both because of the manifest advantage of one hostile group against the other and question

as to why any one concerned should be permitted to possess weapons at all. Realizing the dangers of the situation, the state police have taken many precautions to prevent this.

One report circulated to-day was that a carload of "corn liquor" had been seized not far from this county and that a man arrested in connection with it was later released by a justice of the peace, but this could not be verified.

Following the ruling of Judge Woods on the motion to quash, all the twenty-three indicted were formally arraigned. Each man rose from his seat and answered "Not guilty" to the calling of his name.

Tomorrow morning, after the bill of particulars is entered, the defense is expected to raise a number of objections to trying Blizzard. If these are unsuccessful, the selection of jurors will begin.

Judge Woods's decision on the motion to quash read in part:

"Treason is an offense that differs from all other offenses in that it is an offense against the sovereignty of the state itself. It is a direct injury, to the government of the state. In no sense is it an offense against an individual. I think the chief character of treason is that it is designed to subvert the government, either wholly or in part. And under our Constitution treason consists only in levying war against the state and in giving aid and comfort to its enemies."

"So far as the allegations of this indictment are concerned, the indictment would have to allege facts, which, if true, would consist of levying war against the state."

Treason Is Defined.

"Every violent opposition to the execution of the laws of the state, every resistance by force and violence to the officers of the state in the performance of their duties is not treason. To constitute levying war against the state the purpose of the war, the intent of the violence that is offered against the officers of the law in the performance of their duties, must have a treasonable design. It must be a design against the sovereignty of the state."

"If that were not so, every riot, every insurrection, every resistance to an officer, would constitute treason. One of the chief characteristics of treason is that it is an offense which has its inception in a conspiracy. So does a riot, and so does an insurrection. The design in a riot or insurrection, however, is not necessarily against the sovereignty

of the state. Rioters may assemble together in an unlawful assembly, they may conspire to do an unlawful act, or a series of unlawful acts. Their purpose may be to commit a felony, or to accomplish a misdemeanor, and they may proceed with arms and with the intent to use violence to accomplish their design, and yet it wouldn't be a treason."

"It would not be a reason for an unlawful assembly of individuals to come together unless their purpose is by force and violence to commit some act or some acts, which, if successful, will subvert the government in whole or in part. And if their design is to subvert the government in whole or in part their proceeding to gather in force, in such a manner as to indicate their intention to use force, even though they may not be armed with deadly weapons, would be a sufficiently overt act to constitute treason."

"The particular matters alleged in this indictment and in each count of it are an unlawful assemblage in large numbers of the defendants with other, of similar purpose, being armed for the purpose of marching from one place in this state, through an adjoining county, and into two other counties, and actually proceeding on that march; the seizing of wagons, automobiles, railroad trains and other things that they needed to accomplish their purpose, and in the county of Logan, engaging in a number of conflicts with the military forces of the State of West Virginia, who had been assembled by the Governor of the state at the request of the judge of the circuit court, the Sheriff and the prosecuting attorney of that county, stating their inability to prevent this armed invasion of that county, and the necessity of the Governor calling on the military forces of the state to assist them in the preservation of peace and order."

"It is unfortunate that there are so few actual adjudications of these questions in this county. A great deal of law that we have on the subject of treason consists of the opinions of judges in their charges to grand juries and of the opinion of textbook writers."

"Taking these indictments together, it would appear that the defendants were stubbornly continuing their opposition to the military forces of the state long after, probably not in point of time but in point of events, they should have dispersed under any and all circumstances contemplated by the statute; that their purpose, as expressly alleged in the indictment was to nullify the military law of the state and proclamation by the Governor of the state. I take it, not only by his written proclamation, but by his hav-

ing sent the military forces of the state into this locality."

Bill Would Repay Wooden Ship Men for Contract Losses

WASHINGTON, April 25.—The Shipping Board would be authorized to reimburse builders of wooden ships for losses sustained as a result of cancellation of government wartime contracts and abandonment of wooden ship construction under a bill introduced to-day by Chairman Greene, of the House

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